

UTILITIES DIVISION[199]

Notice of Intended Action

**Proposing rule making related to regulation of electric cooperatives
and providing an opportunity for public comment**

The Utilities Board hereby proposes to amend Chapter 27, “Regulation of Electric Cooperatives and Municipal Electric Utilities Under Iowa Code Chapter 476,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 476.1A and 476.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 476.1A.

Purpose and Summary

The purpose of this proposed rule making is to rescind paragraph 27.1(2)“o” because of a question of the Board’s jurisdiction over electric cooperatives giving undue preference to customers pursuant to Iowa Code section 476.1A(3). The Board determined there was enough ambiguity in the statute that the Board’s jurisdiction should not be asserted through a rule.

The Board issued an order on October 11, 2021, commencing this rule making. The order is available on the Board’s electronic filing system, efs.iowa.gov, under Docket No. RMU-2021-0027.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

No waiver provision is included in the proposed amendments because the Board has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver of the rules in these chapters.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on November 23, 2021. Comments should be directed to:

IT Support
Iowa Utilities Board
Phone: 515.725.7300
Email: ITSupport@iub.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental

subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Rescind paragraph **27.1(2)“o.”**